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**RECEIVED
AND FILED**

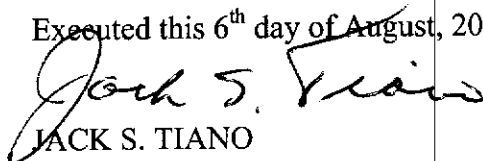
AUG 8 1 48 PM '07

**U.S.
BANKRUPTCY COURT
MARY A. SCHOTT, CLERK**

USACM had a fiduciary duty to safeguard my assets which were in the form of a First Deed of Trust secured by real estate. USACM was to collect principal and interest from the borrowers and submit these funds to the client (direct lenders). As is the case, USACM subsequently diverted these payments, i.e. principal and interest, into their own accounts and basically stole these funds from the direct lenders. Consequently, this theft should be viewed as a "secured claim" against USACM's (USA Commercial Mortgage Company) Liquidating Trust.

I declare under penalty of perjury that these facts are true to the best of my knowledge and that I (we) have not received all of the principal and interest that we were entitled to due to the unethical standards and dishonest business practices of USACM.

Executed this 6th day of August, 2007


JACK S. TIANO

**LEWIS
AND
ROCA**
LLP
LAWYERS

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Attorneys for the USACM Liquidating Trust

E-Filed on 7/30/07

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

**Notice to Jack Tiano of Motion For
Summary Judgment Regarding
Claim No(s). 10725-00391**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

NOTICE IS HEREBY GIVEN to Jack Tiano that on July 30, 2007, the USACM Liquidating Trust ("USACM") filed a Motion for Summary Judgment related to Claim No(s). 10725-00391 (the "Motion"). Along with this notice, USACM is serving Jack Tiano with a copy of the Motion.

1 Jack Tiano asserted secured claim(s) against USA Commercial Mortgage Company.
2 The Motion disputes your assertion of secured claim status and asks the Court to reclassify
3 your claim(s) as a general unsecured claim(s). This is not an objection to your claim as a
4 direct lender or to the security interest you as a direct lender may have in your borrowers'
5 property as collateral. Rather, the Motion argues that your claim(s) are not secured by
6 property of the bankruptcy estate.

7 **NOTICE IS FURTHER GIVEN** that any opposition to the Objection/Motion
8 must be filed pursuant to Local Rule 9014(d)(1). **PLEASE DO NOT CONTACT THE**
9 **CLERK OF THE COURT OF THE BANKRUPTCY COURT TO DISCUSS THE**
10 **MERITS OF YOUR CLAIM.** If you do not want the Court to grant the relief sought in
11 the Objection/Motion, or if you want to explain why you believe your claim(s) are secured
12 claim(s) or otherwise want the Court to consider your views on the Objection/Motion, then
13 you must file an opposition to the Motion with the Court, and serve a copy on the USACM
14 Liquidating Trust **NO LATER THAN AUGUST 17, 2007.** The opposition must state your
15 position, set forth all relevant facts and legal authority, provide relevant documents that
16 support your claim to secured status, and be supported by affidavits or declarations that
17 conform to Local Rule 9014(c).

18 If you object to the relief requested in the Objection/Motion, you *must* file a
19 **WRITTEN** response to this pleading with the Court. You *must* also serve your
20 written response to the person who sent you this notice.

21 If you do not file a written response with the Court, or if you do not serve your
22 written response on the person who sent you this notice, then:

- 23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
24 • The Court may *rule against you* without formally calling the matter at the
25 hearing.

26 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection/Motion will be
27 held before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building,
28 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the

1 hour of 9:30 a.m. The hearing may be continued from time to time with notice to the
2 appearing parties.

3 Dated July 30, 2007.

4 LEWIS AND ROCA LLP

6 By /s/ RC (#6593)

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Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust



P-7460

7/1/2007

Jack Tiano

TRUST DATED 02/28/1997

C/O JACK S TIANO TRUSTEE

116 W EL PORTAL STE 103

SAN CLEMENTE, CA 92672-4634

Investor Remittance Statement

For the period 6/1/2007 through 7/1/2007

Loan Name	Begin Principal Bal	Gross Int Rate	Principal Paid	Ending Principal Bal
Loan ID	Begin Interest Bal	Service Fee Rate	Interest Paid	Ending Interest Bal
		Net Rate		
Oak Shores II	\$39,966.56	13.00000%		\$39,966.56
L-263	\$5,336.62	3.00000%	\$0.00	
		10.00000%	\$0.00	\$5,827.40
		12.50000%		
	\$0.00	3.00000%	\$0.00	\$0.00
L-311	\$0.00	9.50000%	\$0.00	\$0.00

Investor History Report

Vesting: Jack S. Tiano, Trustee for An Accountancy Corporation Profit Sharing Plan & Trust dated 02/28/1997
Loan: Oak Shores II
Client ID: 7287
Account ID: 7460
Loan Interest Rate: 13.00%
Original Service Fee: 1.00%
Current Service Fee¹: 1.00%

Date	Transaction	A Investment	B Principal Paid by Borrower	C Principal Paid to Investor	D = B - C Principal Owed to Investor	E Unsecured / Diverted Principal	F Interest Earned	G Loan Service Fee Retained by USACM	H Interest Paid by Borrower Net of Service Fee	I = F - G - H Cumulative Amount Due from Borrower, Net of Service Fee	J Interest Paid to Investor	K = H - J Cumulative Amount Held for / (Due from) Investor
01/01/2007	-PRIOR MONTH ENDING BALANCES-	\$39,966.56	\$10,033.44			\$10,033.44	\$5,598.81	\$418.48	\$2,450.47	\$2,729.85	\$2,438.16	\$12.31
01/31/2007	Interest and Service Fee (1/1 - 1/31)	\$39,966.56				\$10,033.44	\$480.37	\$33.31		\$3,176.92		\$12.31
TOTALS:		\$39,966.56	\$10,033.44	\$0.00	\$0.00	\$10,033.44	\$6,079.18	\$451.78	\$2,450.47	\$3,176.92	\$2,438.16	\$12.31

¹ This rate may be adjusted according to your loan servicing agreement.
This statement is provided for informational purposes only and is intended for the sole benefit of the named vested party.
This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.
THIS STATEMENT REFLECTS ACTIVITY FROM 1/1/2007 TO 1/31/2007

Investor History Report

Vesting: Jack S. Tiano, Trustee for An Accountancy Corporation Profit Sharing Plan & Trust dated 02/28/1997
 Loan: Standard Property Development
 Client ID: 7287
 Account ID: 7460
 Loan Interest Rate: 12.50%
 Original Service Fee: 1.00%
 Current Service Fee: 1.00%

Date	Transaction	A	B	C	D = B - C	E	F	G	H	I = F - G - H	J	K = H - J
		Investment	Principal Paid by Borrower	Principal Paid to Investor	Principal Owed to Investor	Unsecured / Diverted Principal	Interest Earned	Loan Service Fee Retained by USACM	Interest Paid by Borrower Net of Service Fee	Cumulative Amount Due from Borrower, Net of Service Fee	Interest Paid to Investor	Cumulative Amount Held for / (Due from) Investor
01/01/2007	-PRIOR MONTH ENDING BALANCES-	\$50,000.00					\$5,761.02	\$444.94	\$1,798.90	\$3,517.17	\$1,811.22	(\$12.31)
01/31/2007	Interest and Service Fee (1/1 - 1/31)	\$50,000.00					\$579.17	\$41.67		\$4,054.67		(\$12.31)
TOTALS:		\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,340.18	\$486.61	\$1,798.90	\$4,054.67	\$1,811.22	(\$12.31)

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